

R430-70-12. INJURY PREVENTION.

- (1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.**

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. CFOC, pgs. 109-110 Standard 3.038; pgs. 216-217 Standard 5.075; pg. 223 Standard 5.086; pgs. 262-264 Standards 5.194, 5.196; pg. 374 Standard 8.071

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. CFOC, pg. 273 Standard 5.231

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. CFOC, pgs. 58-59 Standard 2.028

Enforcement

This rule is cited only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the building, grounds, toys, and equipment. The noncompliance level depends on the violation observed. Check with the Bureau Director before citing this rule.

- (2) The provider shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords.**

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. CFOC, pgs. 216-217 Standard 5.075

Enforcement

This rule does not prevent a facility from having throw rugs.

Always Level 2 Noncompliance.

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.**

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. Between 2000 and 2005, CPSC received reports of 65 furniture tip-over deaths and 36 television tip-over deaths, and over

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80% of these deaths involved young children. Secure anchoring of heavy equipment is essential for safe, stable installation. CFOC, pg. 259 Standard 5.182

Enforcement

This rule applies to items over 4' high, that are both heavy and unstable, and unstable pieces of furniture less than 4' high if there is something heavy enough to injure a child, such as a television or small refrigerator, on top of the unstable furniture.

Always Level 2 Noncompliance.

(4) The following items shall be inaccessible to children:

- (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;**

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. CFOC, pg. 252 Standard 5.161; pg. 354 Standard 8.039

Enforcement

Always Level 1 Noncompliance.

(4) The following items shall be inaccessible to children:

- (b) tobacco, alcohol, illegal substances, and sexually explicit material;**

Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Enforcement

Level 1 Noncompliance: If children have access to tobacco, alcohol, or illegal substances.

Level 3 Noncompliance: If children have access to sexually explicit material.

(4) The following items shall be inaccessible to children:

- (c) when in use, portable space heaters, fireplaces, and wood burning stoves;**

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Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. CFOC, pgs. 201-202 Standards 5.035, 5.037, 5.038

Enforcement

Level 1 Noncompliance for wood burning stoves or fireplaces.

Level 2 Noncompliance for portable space heaters.

- (4) The following items shall be inaccessible to children:**
(d) toxic or hazardous chemicals such as insecticides, lawn products, and flammable materials;

Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many non-house fire flash burn admissions to burn units. CFOC, pgs. 215-216 Standard 5.073; pgs. 229-230 Standard 5.100; pgs. 232-233 Standards 5.106, 5.107; pg. 251 Standard 5.158

Enforcement

Items on a shelf or in a cupboard that is over 48" high will be considered inaccessible to children. Lower cupboards and drawers are considered inaccessible if they are locked or have a child safety device on them.

Always Level 2 Noncompliance.

- (4) The following items shall be inaccessible to children:**
(e) poisonous plants;

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. CFOC, pg. 232 Standard 5.106

See CFOC, pg. 434, Appendix U for a list of safe and poisonous plants.

Enforcement

Poisonous plants include poison ivy, poison oak, stinging nettle, oleander, jimson weed, castor bean, toadstools, and mushrooms.

Items on a shelf that is over 48" high will be considered inaccessible to children.

Level 3 Noncompliance otherwise.

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- (4) The following items shall be inaccessible to children:
(f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. CFOC, pg. 251 Standard 5.157

Enforcement

Items on a shelf or in a cupboard that is over 48" high will be considered inaccessible to children. Lower cupboards and drawers are considered inaccessible if they are locked or have a child safety device on them.

Always Level 2 Noncompliance.

- (4) The following items shall be inaccessible to children:
(g) open flames; and

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. CFOC, pg. 251, Standard 5.157

Enforcement

This rule does not prevent a program from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out. However, local Fire Marshal rules must be followed.

Items on a shelf or in a cupboard that is over 48" high will be considered inaccessible to children. Lower cupboards and drawers are considered inaccessible if they are locked or have a child safety device on them.

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:
(h) razors or similarly sharp blades.

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, pg. 109 Standard 3.038; pg. 223 Standard 5.087; pgs. 263-264 Standard 5.196

Enforcement

This rule does not include staples, staplers, adult scissors, thumb tacks, push pins, or staple removers.

This rule is not meant to prohibit children from engaging in supervised woodworking activities.

Items on a shelf or in a cupboard that is over 48" high will be considered inaccessible to children. Lower

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cupboards and drawers are considered inaccessible if they are locked or have a child safety device on them.

Always Level 2 Noncompliance.

- (5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.**

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. CFOC, pgs. 229-230 Standard 5.100

Enforcement

Items on a shelf or in a cupboard that is over 48" high will be considered inaccessible to children. Lower cupboards and drawers are considered inaccessible if they are locked or have a child safety device on them.

Toxic or hazardous chemicals include sanitizing solutions.

Always Level 2 Noncompliance.

- (6) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.**

Rationale / Explanation

Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, pg. 202 Standard 5.040

Enforcement

The thermometer should be held in running water until the temperature on the thermometer stops rising. Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

Level 2 Noncompliance: If the hot water temperature is 128 degrees or higher.

Level 3 Noncompliance: If the temperature is between 123 and 127 degrees.

- (7) Indoor stationary gross motor play equipment, such as slides and climbers, shall not have a designated play surface that exceeds 5-1/2 feet in height. If such equipment has an elevated designated play surface that is 3 feet or higher it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under play equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183; pg.

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264 Standard 5.197

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- <http://www.baplaysets.com/shopping/cfmodularmats.asp>
- http://www.daycaremall.com/softplay_3.html

Enforcement

This rule only applies to stationary gross motor play equipment, such as a climber, slide, swing, or merry-go-round. We do not consider a rock wall to be a climber.

Level 1 Noncompliance: If indoor play equipment exceeds the allowed height, and does not have the required cushioning.

Level 2 Noncompliance: If indoor play equipment exceeds the allowed height, but has the required cushioning.

(8) There shall be no trampolines on the premises that are accessible to children in care.

Rationale / Explanation

Trampolines pose serious safety hazards. The Consumer Product Safety Commission estimates that in 1998 there were 95,000 hospital emergency room-treated injuries associated with trampolines. About 75% of the victims are under 15 years of age. The hazards that result in injuries and deaths are:

- *falling or jumping off the trampoline.*
- *falling on the trampoline springs or frame.*
- *colliding with another person on the trampoline.*
- *landing improperly while jumping or doing stunts on the trampoline.*

Enforcement

This rule includes full size above-ground trampolines, built into the ground trampolines, and mini-trampolines.

Always Level 1 Noncompliance.

(9) If there is a swimming pool on the premises that is not emptied after each use:

- (a) the provider shall ensure that the pool is enclosed within a fence or other solid barrier at least six feet high that is kept locked whenever the pool is not in use;**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to young children. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.214, 5.215, 5.216, 5.217, 5.218.

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Enforcement

Always Level 1 Noncompliance.

- (9) If there is a swimming pool on the premises that is not emptied after each use:
- (b) the provider shall maintain the pool in a safe manner;

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to young children. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.214, 5.215, 5.216, 5.217, 5.218.

Enforcement

Check with Bureau Director before citing this rule.

- (9) If there is a swimming pool on the premises that is not emptied after each use:
- (c) the provider shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool; and

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to young children. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.214, 5.215, 5.216, 5.217, 5.218.

Enforcement

Always Level 3 Noncompliance.

- (9) If there is a swimming pool on the premises that is not emptied after each use:
- (d) If the pool is over four feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time children have access to the pool.

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to young children. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.214, 5.215, 5.216, 5.217, 5.218.

Enforcement

Always Level 1 Noncompliance.